

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

REGINALD MCDONALD,

Plaintiff,

vs.

OLIVAS, *et al.*,

Defendants.

Case No. 3:13-cv-00240-MMD-WGC

ORDER

This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by a state prisoner. Before the Court is plaintiff's motion for a 90-day extension in which to submit his confidential mediation statement. (ECF No. 15). Also before the Court is plaintiff's motion to submit a confidential mediation statement that exceeds the seven-page limit. (ECF No. 17).

I. Plaintiff's Motion for 90-Day Extension

This Court entered a screening order on October 22, 2013. (ECF No. 5). The screening order imposed a 90-day stay to allow the parties to engage in settlement discussions. (*Id.*). By order filed December 19, 2013, the Court scheduled a mediation conference in this case for February 25, 2014. (ECF No. 14). Pursuant to the order setting the mediation conference, the parties' mediation statements are due to be submitted to the mediator not later than February 18, 2014. (*Id.*).

Plaintiff has filed a motion for a 90-day extension of time in which to submit his confidential

1 mediation statement. (ECF No. 15). As set forth in his motion, plaintiff seeks an extension of 90
2 days, following the date of the scheduled mediation conference on February 25, 2014, in which to
3 submit his confidential mediation statement. (*Id.*). Plaintiff states that he “is not prepared for
4 mediation conference nor will be prepared by February 27, 2014.”¹ (ECF No. 15, at p. 2). Plaintiff
5 states that he is “overwhelmed” by what is expected of him in litigating this action. (*Id.*).

6 Plaintiff’s request for a 90-day extension of time in which to submit his confidential
7 mediation statement is denied. Plaintiff’s request is not reasonable. Granting plaintiff’s request
8 would, in effect, delay the mediation conference to an undetermined date. The Court rejects
9 plaintiff’s conclusory statement that he is not prepared, and will not be prepared, for the mediation
10 conference of February 25, 2014. Plaintiff initiated this action by filing a 60-page civil rights
11 complaint, plus exhibits, and he is responsible for prosecuting this action. Thus far, plaintiff has
12 demonstrated his ability to litigate this action by filing several motions. Plaintiff’s failure to comply
13 with Court deadlines and otherwise comply with the Court’s orders may result in dismissal of this
14 action for failure to prosecute. Plaintiff shall submit (not file) his confidential mediation statement
15 not later than February 18, 2014, in accordance with the order setting the mediation conference.
16 Plaintiff may submit additional argument to the mediator regarding his ability to proceed at the
17 mediation conference, which at the discretion of the mediator, may or may not necessitate additional
18 or extended mediation sessions.

19 **II. Plaintiff’s Motion to Exceed Page Limit for Confidential Mediation Statement**

20 Plaintiff has filed a “motion to request leave to file larger confidential mediation statement.”
21 (ECF No. 17). Plaintiff seeks leave to submit a confidential mediation statement that exceeds the
22 seven-page limit established in the Court’s order setting the mediation conference. Good cause
23 appearing, plaintiff’s motion to submit a confidential mediation statement that exceeds the seven-
24 page limit is granted.

25
26 ¹ In his motion, petitioner incorrectly refers to the mediation conference as being set for February
27, 2014. (ECF No. 15, at pp. 1-2). Petitioner is informed that the mediation conference is set for
February 25, 2014, at 1:30 p.m.

1 **III. Conclusion**

2 **IT IS THEREFORE ORDERED** that plaintiff's motion for a 90-day extension of time in
3 which to submit his confidential mediation statement (ECF No. 15) is **DENIED**. Plaintiff **SHALL**
4 **SUBMIT** (not file) his confidential mediation statement not later than **February 18, 2014**, in
5 accordance with the order setting the mediation conference.

6 **IT IS FURTHER ORDERED** that plaintiff's motion to submit a confidential mediation
7 statement that exceeds the seven-page limit (ECF No. 17) is **GRANTED**.

8 Dated this 6th day of February, 2014.

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11 UNITED STATES MAGISTRATE JUDGE